

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 12/09/2004, having a shortened statutory period for response set to expire 03/09/2005, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Oath/Declaration

1. The Declaration stands objected to as defective because it was not signed and dated. At the time this patent application was electronically filed, the Declaration was electronically signed and dated in keeping with the rules of the Office in effect at that time. In view of a rule change that now requires a signed and dated paper Declaration, such signed and dated paper Declaration is enclosed herewith.

Specification

2. The disclosure stands objected to because reference numerals "37" and "39" should be "36a" and "36b." Said reference numerals, to conform to the drawings, should be "36a" and "38a." The specification is therefore amended herewith accordingly.

Claim Rejections – 35 USC § 103

3. Applicant acknowledges the quotation of 35 U.S.C. § 103(a).

4. Claims 1-6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Madden in view of Thompson. Reconsideration and withdrawal of this ground of rejection is requested in view of the above amendment and in view of the remarks made in paragraph "5" that follows.

Allowable Subject Matter

5. Claims 7 and 9-12 are indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 1 as currently amended includes the limitations of the base claim (claim 1) and intervening claims (2, 6, and 7) and is believed to be in condition for allowance. The subject matter of claim 3 is not added to claim 1 because the rectangular slot of claim 3 merely

accommodates a liquid control meter and said slot may not be needed in applications where a liquid control meter does not interfere with the first side wall. The rectangular slot is clearly not required to define over the combination of Madden and Thompson. Moreover, the respective subjects matter of claims 4 and 5 is not added to claim 1 because, as the Office notes: "...the relative dimensions of the walls to each other would have been obvious dependent on the size and shape of the protected part(s)." The invention therefore is positively recited in the respective subject matters of claims 1, 2, and 6-7.


Conclusion

6. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

7. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

By: 

Ronald E. Smith
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

Dated: December 28, 2004

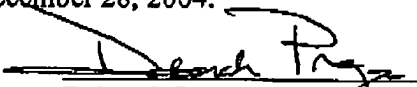
pc: Mr. George Glover

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3754, Attn: Mr. Joseph A. Kaufman, (703) 872-9302 on December 28, 2004.

Dated: December 28, 2004



Deborah Preza